



Information and Privacy
Commissioner/Ontario

Commissaire à l'information
et à la protection de la vie privée/Ontario

Privacy Review: Video Surveillance Programs in Peterborough

December 6, 2004



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Introduction

Over the last several years, government institutions in Ontario have been considering the implementation of video surveillance technology with increasing frequency. Municipal institutions, such as the City of Peterborough, are required to comply with the privacy protections provided in the *Municipal Freedom of Information and Protection of Privacy Act* (the Act) when implementing video surveillance programs.

In October 2001, the Information and Privacy Commissioner/Ontario (the IPC) issued *Guidelines for Using Video Surveillance Cameras in Public Places* (the *Guidelines*), which provide a framework to assist institutions in deciding whether the collection of personal information by means of a video surveillance system is justifiable as a policy choice, and if so, how privacy-protective measures can be built into the system.

In 2002, the IPC conducted a review of video surveillance programs operated by five municipal institutions across the province to assess whether their policies were in compliance with the *Guidelines*.¹ The video surveillance program operated by the City of Peterborough (the city) was included in this review, and the report is attached as *Appendix A*. The review focused on the video surveillance system which had been installed in Millennium Park, and concluded that while the City of Peterborough had taken some positive initial steps concerning the implementation of its video surveillance program, some procedural and policy amendments were warranted. In its response to the IPC's recommendations, the city provided clarification about its practices, amended its policy and undertook to erect signs.

In June 2004, the IPC received correspondence from a group of 20 individuals complaining that, contrary to the *Guidelines*, there were no signs in Millennium Park notifying the public about the presence of video surveillance cameras. The complainants were also concerned that the city may be in violation of other aspects of the *Guidelines*.

In response to this complaint, the IPC initiated a review of the video surveillance program in Millennium Park to assess whether the program is in compliance with the *Guidelines*. As the previous review also addressed the video surveillance systems at the Peterborough Centennial Museum and Archives (the museum) and the Peterborough Marina (the marina), these sites have been included.

The complaint also raised concerns about compliance of the video surveillance system at the Peterborough Public Library (the library), specifically citing the absence of proper signs and notification. Unlike the other video surveillance locations that we have reviewed, the Library's video surveillance cameras are located inside rather than outside the main branch building. We note that the *Guidelines* were primarily directed at video surveillance systems

¹ In addition to the City of Peterborough, the review included video surveillance systems operated by: the Greater Sudbury Police Service; the West Nipissing Police Service, the Town of Thessalon and the City of London.

in open public spaces such as streets. Nevertheless, all public video surveillance conducted by government organizations is governed by the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act*, and the principles contained in the *Guidelines* can be adapted to a variety of venues.² As the City has applied its existing policy to the video surveillance system at the library, commentary about this system will be included in Part II of this report.

During the course of this review, IPC staff met with city staff and visited all of the sites subject to this review.

Description of the Video Surveillance Policy

The policy that has been applied to the operation of the city's video surveillance systems under review is entitled *City of Peterborough Guidelines for the Use of Video Surveillance Systems*; some policy requirements are provided in an accompanying information sheet. The policy was introduced shortly after the installation of the video surveillance system in Millennium Park, and revised after the IPC's initial review. The policy addresses the purpose of the system; the right of individuals to request access to recorded personal information; the operation of the system; restrictions on access to the equipment; signage; maintenance of a logbook to record when tapes are viewed; and a requirement that staff initial the policy confirming they are familiar with its contents.

The policy also states that an information pamphlet will be made available to the public at each site in response to inquiries about the system. The information sheet describes the operation of the video surveillance system, its purpose and informs individuals of their right to request access to recorded personal information under the *Act*.

On April 7, 2003 the updated policy and information sheets were distributed to managers of sites with video surveillance systems (*Appendix B*).

Description of the Video Surveillance Systems governed by the Policy

General

Primarily located in specific areas to prevent vandalism, the video surveillance cameras are not actively monitored. In other words, camera operators do not routinely view the images captured by the cameras. Tapes are only viewed in response to incidents. The Director of Community Services is responsible for the systems and site managers at each location oversee daily video surveillance operations.

² For example, in December 2003, the IPC issued *Guidelines for Using Video Surveillance Cameras in Schools* in order to provide a similar privacy framework for school boards considering the use of this technology.

Millennium Park

Video surveillance cameras were installed in Millennium Park (the park) by the city's Planning and Development Services Department in the summer of 2001 following incidents of vandalism involving the fountain, the boathouse and the grounds. The operation of the park, including the cameras, was transferred to the Community Services Department shortly thereafter.

There are six video surveillance cameras in Millennium Park, located outside of the boathouse, near the waterfall and pond area, and on the trail behind the boathouse³.

The camera monitor and tapes are stored in a locked room inside the Boathouse with access restricted to designated staff. The tapes are changed once a week and the images have been recorded over on a ten-week cycle; more recently the retention cycle has been reduced to six weeks as the Peterborough Police Department (the police) has four tapes in its custody. From May to October, the contractor on site who runs the boathouse changes the tapes, logging tape changes and police contact. A member of city staff checks to ensure tapes are changed and continues with these tasks during winter. In response to an incident in the park, city staff will contact the police. Logs document when the police have taken a videotape.

During our recent visit to this site, there were no signs notifying the public about the presence of video surveillance. We were informed that, after the IPC's previous review, three signs were installed in the park, which stated: "This Property is Under Video Surveillance." Two of these signs were placed on the park trail, one was located on the boathouse building. We were advised that the signs were stolen, and city staff does not know when this occurred.

The Marina

There is one video surveillance camera location on the outside of the marina. The camera was installed to prevent vandalism, and operates from May to October. The camera monitor and tapes are kept in a room intended for staff access. The operation of the marina is carried out by a contractor who changes the tapes daily. Images are recorded over on a weekly basis. There is a sign affixed to the building that advises video surveillance is in use, and refers questions to a private security company. Although there is a logbook, there have been no incidents where the police have viewed or removed a tape.

³ The previous review reported three camera locations in the park. However, we were recently advised that this figure was incorrect.

The Museum

There are two video surveillance cameras located at the museum, which were installed to prevent vandalism. The sign posted on the building near the entrance to the museum states: "Video Surveillance on these Premises". The camera monitor and tapes are kept in a room not accessible to the public, and restricted to staff use. While the system is not actively monitored, we were advised that museum staff may glance at images from time to time, particularly when alone on the premises. The tape is changed every evening, and recorded over every seven days. A logbook documents action taken in response to incidents.

Followup to Previous Recommendations

It appears that the city made an attempt to comply with the IPC's previous recommendations. As a result of discussions with city staff, we accept that signs were installed in the park, but unfortunately they are no longer in place. Logbooks were distributed to each site and are being used. On April 7, 2003, the former Community Services Director distributed a memo to site managers asking staff to read and sign a copy of the policy. We viewed examples of signed policies. Correspondence from the city to the IPC dated April 2, 2003 confirmed that certain practices were compliant with the *Guidelines*, and the video surveillance policy was amended.

Issues Arising in the Review

The IPC recognizes that in limited and defined circumstances, video surveillance cameras may be appropriate to protect public safety and detect or deter criminal activity. The images captured by video surveillance systems qualify as "personal information" under section 2 of the *Act*. Accordingly, institutions operating video surveillance systems must comply with the privacy protection rules in Part II of the *Act*, which have been provided in the *Guidelines*. A checklist based on the *Guidelines* was used to assist with this assessment and is contained in *Appendix C*.

In this review of the three video surveillance systems located in the City of Peterborough (the city) described above, we will be addressing the following five issues:

- A. Is the city complying with video surveillance storage, design and installation requirements contained in the *Guidelines*?
- B. Is the city complying with use and retention requirements contained in the *Guidelines*?
- C. Is the city complying with accountability and staff management requirements contained in the *Guidelines*?
- D. Is the city complying with audit and evaluation requirements contained in the *Guidelines*?
- E. Is the city's written policy compliant with the requirements contained in the *Guidelines*?

Results of the Review

Issue A: Is the city complying with video surveillance storage, design and installation requirements contained in the *Guidelines*?⁴

Design and Storage Requirements

The video surveillance systems under review operate in public spaces with restricted camera movement and are not monitored by camera operators. The cameras cannot be manually controlled or manipulated.

We are satisfied that the reception equipment is located in restricted access areas in the park and at the museum. During our visit to the marina, we noticed that the door to the storage room was kept open. Although this room is intended for staff only, we are concerned about its proximity to a public area inside the marina. Consequently, it is our view that the door to this storage room should be kept locked at all times, with staff being able to access the room as needed during the day.

The videotapes used to operate the systems are stored along with the reception equipment at all sites. Active tapes are kept in the order in which they are recorded over (recycled). At all of the video surveillance locations, we noted that tapes used in recycling rotations were on open shelves. We are of the view that any tapes used in the recycling rotations or awaiting review by the police should be kept in locked cabinets at all sites. Access to the videotapes should be restricted to designated staff.

Signs

We are concerned with the city's lack of compliance with respect to signs. The *Guidelines* provide that signs should, at a minimum, be displayed at the perimeter of video surveillance areas and identify a contact person along with an address and telephone number. The city's policy provides for the installation of a minimum of two exterior signs at each location where video surveillance equipment is in use.

Although we accept that signs were initially installed in the park, their current absence at this location is a serious breach of the *Guidelines*. We are also not satisfied that the wording of the signs at any of the sites is compliant with the minimum requirements.

⁴ Issue A corresponds to the subheading "Storage" under Heading B, as well as Heading C in the checklist. The remaining Issues generally follow the checklist in order.

Notification and Transparency

We are also concerned with the city's lack of compliance with respect to notification and transparency. There are specific notification requirements under section 29(2) of the *Act* which include the need to inform individuals of the legal authority for the collection of personal information; the principal purpose(s) for which the personal information is intended to be used and the title, business address and telephone number of a contact person who can answer questions about the collection. The *Guidelines* state that this information can be provided to the public in different formats, for example, through a combination of signs and pamphlets.

The information sheet dated April 7, 2003 complies with the notification requirements in all but one respect, in that the legal authority for the collection is not provided. The City of Toronto has a good example of how legal authority for a collection of personal information can be appropriately phrased in this context, and is provided in *Appendix D*.

It is also important for institutions to be as open as possible about video surveillance programs. The *Guidelines* state that upon request, institutions should make available information about video surveillance programs by means of pamphlet or use of a website.

Previous media reports indicate that there was publicity surrounding the implementation of the video surveillance system in Millennium Park. We were advised that the information sheet was posted on the boathouse pending installation of the signs and distributed to all sites. However, our recent visit revealed that staff at some sites had information sheets; others did not. Although it was reported that no one has requested information about the systems, the absence of requests may currently be a function of inadequate notification and signage, particularly in the park.

More effort on the part of the city is warranted to disseminate information about its video surveillance systems, particularly in the Park. Web sites have proven to be effective vehicles for this practice.

Recommendation 1:

With respect to the marina, the city should take immediate steps to ensure that the room containing the video surveillance equipment is kept locked.

Recommendation 2:

The city should take immediate steps to store videotapes in locked cabinets at all sites, with access to the videotapes restricted to designated staff.

Recommendation 3:

The city should install proper signs at the locations reviewed, which (a) advise that video surveillance is in use and (b) provide the title, address and telephone number of a contact person who can respond to questions about the systems. Specifically, the city should:

- A. Install temporary signs in the park within one month from the issuance of this report, pending the production of permanent signs.
- B. Install new signs or add/append the current ones at the museum and the marina to comply with the requirements in (b).

Recommendation 4:

The city should update the information sheet, including a current contact and the authority under which it is conducting its video surveillance programs. The revised information sheet should be distributed to all video surveillance sites, and we suggest that some copies be placed in open view (e.g. on counters). In order to enhance transparency, the city should also consider disseminating information about these video surveillance systems on its website.

Issue B: Is the city complying with the use and retention requirements contained in the *Guidelines*?

The policy describes who can view the personal information collected and under what circumstances. The use and disclosure of recorded personal information is appropriately limited to the police, and it was confirmed that videotapes have only been shared in these circumstances. Logbooks are used to document when the police have viewed or taken a videotape for law enforcement purposes. The policy also recognizes the right of an individual to submit an access request under the *Act*.

Retention Periods

However, we have the following concerns about the retention periods for recorded personal information. The *Guidelines* recommend a 48-72 hour retention period for recorded personal information that has not been viewed for law enforcement or public safety purposes.

Of particular concern is that none of the retention periods accord with the city's own policy, which states that the systems operate on a three-day tape loop. With respect to the park, for example, we were advised that recycling the tapes on a three-day tape loop was attempted for a period of time, but that the schedule became difficult for staff to maintain. Accordingly, the

system was reconfigured to enable tapes to be changed once a week. It was explained that there have been some instances in which the police have approached the city a few weeks after an incident, resulting in the retention period of 10 weeks. We were advised that the museum and the marina staff change tapes daily and record over them every week.

In our view, where personal information collected by video surveillance has not been used, short retention periods minimize the risk of improper use and disclosure of that personal information. We accept that a three-day tape loop may not have proven feasible, and that retention periods may be tailored to different venues.⁵ Nevertheless, it is imperative that the city's video surveillance policies and procedures accurately reflect retention practices. In addition, as acts of vandalism are usually readily apparent and immediately reported, we are not satisfied that a 10 or six week retention schedule for the park video surveillance system is necessary.

Where Personal Information has been Used

When recorded personal information has been viewed for law enforcement or public safety purposes, institutions must establish a separate retention period. Section 5 of Ontario Regulation 823 under the municipal *Act* requires that this information must be kept for a minimum of one year after use, unless a resolution or bylaw authorizes a shorter retention period. This provision exists to give individuals a reasonable amount of time to request access to their own personal information. Some site managers were not aware of this requirement.

Recommendation 5:

The city should address the retention schedule for unused personal information at the Park with a view to reducing its video surveillance retention schedule.

The city's written policy and procedures should accurately reflect the retention schedules at all sites, and should reflect different retention periods, as necessary.

Recommendation 6:

The city's policy and procedures should establish a retention schedule where tapes have been viewed for law enforcement purposes. In such instances, the videotapes must be retained for at least one year after use unless a resolution or bylaw authorizes a shorter retention period.

The city's policy and procedures should provide for the secure disposal of videotapes after expiry of the required retention period.

⁵ Recognizing that varying retention periods may be appropriate depending on the circumstances, the IPC's *Guidelines for Using Video Surveillance Cameras in Schools* recommend a retention period not exceeding one month in that context.

Issue C: Is the city complying with accountability and staff management requirements contained in the *Guidelines*?

Included in the discussion of this issue are the obligations of employees and service providers.

We are satisfied that, in practice, the city has maintained control of and responsibility for the video surveillance systems at all times. The Director of Community Services is responsible for the system, with site managers overseeing daily video surveillance operations. Obligations on the part of employees to uphold privacy protection measures are contained in the policy and appropriate to the scope of this video surveillance system. To date, there have been no inadvertent or accidental disclosures of personal information collected by the systems, and there is a general understanding that such incidents should be reported to the Director of Community Services. While we are generally satisfied that the City has addressed accountability and staff obligations in practice, clarification of some issues in the policy is warranted, and will be addressed in Issue E.

Use of Service Providers

However, the city has not addressed the obligations of service providers who assist with the operation of the systems. As noted above, the city uses contractors to operate the marina and boathouse in Millennium Park from May to October, which includes some duties relating to the daily operation the video surveillance systems, such as rotating the tapes. Staff at these sites were aware of their video surveillance responsibilities and the need to report any unusual occurrences or incidents to the appropriate city managers.

However, as the city is using service providers to assist with the operation of video surveillance at these sites, the policy should be amended to reflect this arrangement.

Recommendation 7:

The city's policy should be amended to address the privacy obligations of private contractors or service providers when carrying out duties relating to video surveillance. In particular, the policy should include that any records dealt with or created while operating video surveillance systems are under the city's control and subject to the *Act* and *Guidelines*. As a best practice, this statement should be included in agreements with service providers.⁶

Furthermore, the policy should state that where a service provider fails to comply with the policy or the *Act*, it would be considered a breach of contract leading to penalties up to and including contract termination. Employees of service providers should sign an undertaking of confidentiality in this respect.

⁶ This is a best practice when a service provider handles any personal information on behalf of an institution.

Issue D: Is the city complying with audit and evaluation requirements in compliance with the *Guidelines*?

The city previously advised that it would institute an annual review of its program. No such formal review has been undertaken.

With respect to audits, the *Guidelines* require institutions to regularly audit the use and security of video surveillance equipment as well as the institution's compliance with operational policies and procedures. It is particularly important that regular audits or reviews are conducted to ensure that privacy policies and procedures are being adhered to.

Given the scope of these video surveillance programs, appropriate audit criteria for these sites may include verification to ensure: reported incidents and police contact were properly recorded in the logbooks; used tapes are being properly retained; tapes are being changed in accordance with required time frames, and security measures are being followed. Any formal or informal information requests from the public should also be tracked.

With respect to evaluations, the *Guidelines* require an annual evaluation of a video surveillance system to determine whether its operation continues to be justified and if so, whether its use can be restricted.

As noted above, video cameras were installed in the park and the marina in response to recurring acts of theft and vandalism. In correspondence dated April 2, 2003, the city advised that it was satisfied with the success of the video surveillance program, which had significantly reduced vandalism in problem areas where staff supervision was unavailable during specific time periods. It also reported a reduction in vandalism at the marina. There have been no further reviews at these sites.

We were advised that the museum's video surveillance system was installed to prevent recurring vandalism, and are one of various security measures. The system also provides an additional level of comfort for staff working alone on weekends, given the isolated location. Although there have been no formal evaluations of the video surveillance at this site, staff estimated that incidents of vandalism have been reduced by at least half.

Although video surveillance systems may vary in scope, it is important that their effectiveness is regularly evaluated to ensure that program objectives are met. Considerations for annual evaluations should not only include an assessment of whether the expected results are being achieved but, if so, whether the use of video surveillance can be restricted. For instance, an effective privacy enhancing practice is to turn off the video monitors, as is the library's current practice. Furthermore, additional cameras should not be introduced without proper justification.

Recommendation 8:

The city should incorporate regular audits and annual evaluations into its practices at all sites and so revise its written policy.

Issue E: Is the city's written policy compliant with the requirements under the *Guidelines*?

When read together, the policy and information sheet address salient requirements of the *Guidelines*. However, it is evident that some of the current practices do not accord with these documents, and require additional amendment to fully comply with the *Guidelines*. As we recognize that the operation of video surveillance systems at each site may vary, we suggest that in addition to a written policy at the city level, each video surveillance site should develop a set of written procedures that address day-to-day usage of the system. In the alternative, the existing policy could be amended to reflect the differences at the various sites.

Recommendation 9:

A. The city should amend its written policy to accord with the major recommended procedural changes relating to:

- Retention of personal information (Recommendations 5 and 6);
- Use of service providers (Recommendation 7); and
- Audits and Evaluations (Recommendation 8).

Statements to the following effect would also clarify the policy:

- That the Director of Community Services is responsible for the city's privacy obligations under the *Act*, as well as the video surveillance policy and procedures;
 - That the city will maintain control of and responsibility for the video surveillance system at all times; and
 - That there is a process to respond to an inadvertent disclosure of personal information. Such a process may include immediate attempts to retrieve the personal information that has been inappropriately disclosed as well as reporting the matter immediately to the Director of Community Services and the IPC.
- B. The city should implement written operational procedures unique to each site, or amend the existing policy to reflect these procedural variations.

Conclusion

The current review of the video surveillance systems at hand has revealed several instances in which the city is not in compliance with the *Guidelines*. We are particularly disappointed with the absence of signs in Millennium Park.

Although the video surveillance systems under review offer some privacy enhancing features, such as the absence of active camera monitoring, adherence to privacy protective practices are critical in ensuring that the personal information collected by video surveillance is compliant with the *Guidelines*.

However, we are encouraged by the co-operation shown by current city staff during the course of this review, and their interest in bringing practices and procedures into compliance.

Other Matters

It has come to our attention that the City of Peterborough is considering installing a video surveillance program in its downtown core. Street video surveillance has the potential to be more privacy invasive than the systems described above, and is by no means a panacea for deterring criminal activity. With the increasing accessibility of video surveillance technology, communities may be tempted to embrace it more frequently to control crime in public areas.

However, as can be seen in this review, the operation of a video surveillance program is a significant responsibility requiring resources and commitment in order to comply with the *Guidelines*.

Given the outcome of this review, we require assurance that the City of Peterborough has the resources and commitment to operate a street video surveillance system in accordance with the *Guidelines*, should there be a decision to proceed. Furthermore, it is imperative that prior to such a decision, the city addresses the "Considerations Prior to Using a Video Surveillance System" contained in heading 4 of the *Guidelines*. Key considerations include:

- Whether other measures of crime deterrence or detection have been considered and rejected as unworkable;
- Whether each video surveillance camera can be justified on the basis of verifiable, specific reports of incidents of crime or significant safety concerns;
- Whether an assessment has been conducted on the effects of video surveillance on personal privacy and ways in which adverse effects can be mitigated;
- Whether consultations have been conducted with relevant stakeholders, including the public, and
- Whether the proposed design of the system attempts to minimize privacy intrusion to that which is absolutely necessary to achieve its lawful goals.

We would like an opportunity to assess how the city addresses these considerations.

Recent Developments

We would also like to take this opportunity to comment on a matter that has recently come to our attention. We understand that the Peterborough City Council has endorsed the formation of a committee to consider video surveillance in the downtown core and to make recommendations. While the Downtown Business Improvement Association (DBIA) has

agreed to have a representative on the committee, it was reported in the media that the DBIA is also considering the development of a system of cameras mounted in store windows and connected through an Internet link.⁷

The collection of personal information in the course of commercial activities in Ontario by private business is governed by federal privacy legislation – the *Personal Information Protection and Electronic Documents Act (PIPEDA)*, which is overseen by the Privacy Commissioner of Canada. Video surveillance by businesses must therefore comply with federal privacy requirements.

It is not clear whether the cameras under consideration by the DBIA would be solely directed inside of business premises or also onto streets. In the latter case, we would have serious concerns about this collection of images of individuals who are traveling on downtown streets – the public domain of all citizens. While security cameras currently exist in many stores and commercial enterprises, the act of linking images from cameras directed onto streets has the potential to create a comprehensive video surveillance system in public areas. It is our position that, if justifiable, video surveillance of public streets for crime control or public safety purposes should only be undertaken by government institutions.

⁷ "DBIA may go it alone on cameras downtown" *The Peterborough Examiner* page A1, Michael Hammond, October 13, 2004; "On their own" *The Peterborough Examiner*, page A4, October 14, 2004; "Downtown businesses join camera review group" *The Peterborough Examiner* page B1, Roger LeBlanc, November 12, 2004.

Summary of Recommendations

Recommendation 1:

With respect to the marina, the city should take immediate steps to ensure that the room containing the video surveillance equipment is kept locked.

Recommendation 2:

The city should take immediate steps to store videotapes in locked cabinets at all sites, with access to the videotapes restricted to designated staff.

Recommendation 3:

The city should install proper signs at the locations reviewed, which (a) advise that video surveillance is in use and (b) provide the title, address and telephone number of a contact person who can respond to questions about the systems. Specifically, the city should:

- A. Install temporary signs in the park within one month from the issuance of this report, pending the production of permanent signs; and
- B. Install new signs or add/append the current ones at the museum and the marina to comply with the requirements in (b).

Recommendation 4:

The city should update the information sheet, including a current contact and the authority under which it is conducting its video surveillance programs. The revised information sheet should be distributed to all video surveillance sites, and we suggest that some copies be placed in open view (e.g. on counters). In order to enhance transparency, the city should also consider disseminating information about these video surveillance systems on its web site.

Recommendation 5:

The city should address the retention schedules for unused personal information at the park with a view to reducing its video surveillance retention schedule.

The city's written policy and procedures should accurately reflect the retention schedules at all sites, and should reflect different retention periods, as necessary.

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The city's policy and procedures should establish a retention schedule where tapes have been viewed for law enforcement purposes. In such instances, the videotapes must be retained for at least one year after use unless a resolution or bylaw authorizes a shorter retention period.

The city's policy and procedures should provide for the secure disposal of videotapes after expiry of the required retention period.

Recommendation 7:

The city's policy should be amended to address the privacy obligations of private contractors or service providers when carrying out duties relating to video surveillance. In particular, the policy should include that any records dealt with or created while operating video surveillance systems are under the city's control and subject to the *Act* and *Guidelines*. As a best practice, this statement should be included in agreements with service providers.

Furthermore, the policy should state that where a service provider fails to comply with the policy or the *Act*, it would be considered a breach of contract leading to penalties up to and including contract termination. Employees of service providers should sign an undertaking of confidentiality in this respect.

Recommendation 8:

The city should incorporate regular audits and annual evaluations into its practices at all sites and so revise its written policy.

Recommendation 9:

- A. The city should amend its written policy to accord with the major recommended procedural changes relating to:
- Retention of personal information (Recommendations 5 and 6);
 - Use of service providers (Recommendation 7); and
 - Audits and Evaluations (Recommendation 8).

Statements to the following effect would also clarify the policy:

- That the Director of Community Services is responsible for the city's privacy obligations under the *Act*, as well as the video surveillance policy and procedures;

- That the city will maintain control of and responsibility for the video surveillance system at all times; and
 - That there is a process to respond to an inadvertent disclosure of personal information. Such a process may include immediate attempts to retrieve the personal information that has been inappropriately disclosed as well as reporting the matter immediately to the Director of Community Services and the IPC.
- B. The city should implement written operational procedures unique to each site, or amend the existing policy to reflect these procedural variations.

Part II: Commentary on the Library's Video Surveillance System

Description of the Program

The library's three video surveillance camera locations are situated inside the building of its main branch. They were installed in the winter of 2003 in response to an increasing amount of illegal activity and anti-social behaviour taking place in the library. Video surveillance was one of several measures introduced to deter these acts. Although there have been no formal evaluations of the system, staff feels that there has been a marked reduction in this activity.

During our visit, there were a number of signs posted on the library walls stating: "This Area is Under Video Surveillance". The camera monitor and tapes are kept in a room not available to the public, with access restricted to staff. This system is not monitored; we were informed that the monitor is usually turned off. Tapes are changed daily, and recorded over every thirty days.

Discussion

As noted above, the principles enunciated in the *Guidelines* can be applied to video surveillance systems situated inside public buildings, with appropriate modification.

Accordingly, we are of the view that all of the recommendations made in this review should incorporate and be applied to the library's video surveillance system.

With respect to **Recommendation 5**, we encourage the city to address the library's retention schedule for unused personal information to assess whether a one-month retention period is necessary.

With respect to **Recommendation 3B**, contact information on the signs may be adapted to this venue. For instance, if it is decided that the contact person is the Head Librarian, it is not necessary for signs posted in the library to contain an address and telephone number.



Ken Anderson
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December 6, 2004



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